IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 30660 of 2007(Y)

AGAINST THE ORDER IN EP.206/2002 IN LAR.240/1994 of II ADDL.SUB COURT,TRIVANDRUM
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PETITIONER:

ROSAMMA SEBASTIAN, AGED 84 YEARS,
W/O.LATE K.SEBASTIAN, HOUSE NO.215,
GIRI NAGAR COLONY,COCHIN-682 020.

BY ADV. SRI.JOSE PALLATTUKARAN

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE DISTRICT COLLECTOR,COLLECTORATE, THIRUVANANTHAPURAM.

2. THE DEPUTY COLLECTOR(LAND ACQUISITION) COLLECTORATE,THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. R. BINDU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 30660 OF 2007

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Dated this the 16th day of October, 2007.

J U D G M E N T

This writ petition is filed seeking a direction for disposal of Ext.P1 in a time bound manner. The writ petitioner is the decree holder and the claimant in the land acquisition proceedings pending before the Addl. Subordinate Judge, Thiruvananthapuram. He is 84 and a senior citizen. It is also submitted that he is sick. A perusal of Ext.P1 application would show that the execution petition is for realisation of an amount of Rs.82,64,699/-.

2. I am informed that as per the direction of this Court during the pendency of the appeal 50% of the amount has been deposited and it has been withdrawn. There is considerable force in the contention of the writ petitioner who is aged 84 years that she must be able to enjoy the fruits of the decree. Therefore, I direct the Court below to consider Ext.P1 execution petition and proceed further in

accordance with law and make an endeavour to dispose it of as expeditiously as possible. I also hope that the Government will take into consideration the age of the decree holder in this case and her entitlement to enjoy the usufructs of the decree after having deprived of her property by acquisition proceedings.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-